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# ASSESSING THE EXPECTATIONS AND LIMITATIONS OF ASEAN-EU COUNTER-TERRORISM COOPERATION

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## ABSTRACT

*This research examines the inter-regional security cooperation between ASEAN and the EU with a specific focus on counterterrorism. The research methods are based on a comparison of regional counterterrorism governance between the two regions and a close reading of Plan of Actions for the enhancement of ASEAN-EU relations documents from 2007 to 2018. The results show that CT cooperation is about facilitating a more comprehensive security governance cooperation where European standards and experience are transferred to Southeast Asia for purposes of regional security and diplomatic relations. In addition, this research also shows that EU-ASEAN CT cooperation has not been geared specifically to combat radicalism, or as part of a Counter Violent Extremism program; rather, the inter-regional cooperation has mainly focused on building a common normative framework in responding to terrorism within the corridor of democracy and preempting the terrorist networks from exploiting connectivity networks. Finally, implementation of security and political cooperation between the EU and ASEAN tend to rely on the existing extra-regional dialogue fora within ASEAN as well as direct engagement between the EU and third parties comprising each of the ASEAN states.*

**Keywords:** Regional Securitization, Functionalism, Inter-regionalism, Counterterrorism, ASEAN, EU

## INTRODUCTION

International cooperation in counterterrorism (CT) is an increasingly important subject of international security studies. The changing nature of terrorism takes place as terrorist networks acquire a capacity to create propaganda and attacks with global impacts with cheaper budgets (Goldman, 2011). Ideologies that drive violence extremism in one corner of the globe may become the driver of acts of terrorism in another (Klein, 2006). Ideological drive that originally mobilizes puritan Sunni Muslims against Shia in Syria and Iraq could serve as the ideological driver for terrorist cells in countries where Sunni-Shia friction is almost unknown such as Indonesia (Chalmers, 2017). In addition to a more global-orientation in ideological affiliation, today's terrorism-financing is increasingly cross-border in nature. It has long been the case for organizations like ISIS to acquire a network of charity donations in Indonesia, for example, that provide the organization with a capability to provide social support for its sympathizers as well as operational capital (Arianti et al., 2019). The introduction of electronic wiring of money, social media and chat applications, and digital currencies expanded the transnational traffic of terrorism financing even further, depending on the need of the organizations (Carroll & Windle, 2018). Recruitment and operations of terrorist activities have also taken place in a cross-border manner as foreign terrorist organizations have become capable of maintaining local contacts to transfer funds internationally and replenish their manpower with volunteering foreign terrorist fighters.

ASEAN-EU's CT cooperation is part of the ongoing interregional dialogue that has been undertaken since the late 1990's in the effort of the two regions to respond to critical challenges to human and national security due to globalization. Documents of interregional engagements between the EU and ASEAN from the late 1990s have already shown an agreement that globalization brought new challenges, and, in that respect, more multilateral cooperation is needed. Issues of terrorism, transnational crime (with emphasis on trafficking of illegal drugs), WMD proliferation, environmental degradation, and natural disasters were identified in the late 1990's by both ASEAN and the EU as common threats or challenges. Against this background, CT cooperation between Association of Southeast Asian Nations (ASEAN) and European Union (EU) – initiated by the EU - has taken place since 2003 and continued to take place at the time of writing. Plan of actions for the cooperation has been renewed every five years, and both the EU and ASEAN never seem to degrade their prioritization towards the cooperative mechanism (Hwee, 2017).

This research argues that observation of EU-ASEAN allows one to understand how two regions that are entirely different in their regional governance continue their security cooperation due to different objectives of the respective regions. As an EU's initiative, CT cooperation with ASEAN as an institution and with member-states serves the purposes of intra-regional security as well as maintaining diplomatic proximity in the face of geopolitical tension. This research finds that the interregional CT cooperation between the EU and ASEAN utilizes the existing institutional framework for extra-regional cooperation within ASEAN, rather than creating a new institutional mechanism. Thus, the interregional engagements of the two regions not only nurtures CT cooperation but also strengthens multilateral institutions that have been formed by ASEAN countries, rather than imposes a new institution. Secondly, this

research finds that the nature of CT cooperation between ASEAN and the EU does not touch on the need for capacity-building in deradicalization. This may well due to differing identity issues of the respective regions that give birth to the problem of radicalism in the first place. In Furthermore, both the EU and ASEAN have been limited in their respective regional governances of CT by the supremacy of national CT policies. The EU externalizes CT towards outside their region to help strengthen its CT role and maintain Europe's international presence Southeast Asia and global CT governance. At the same time, ASEAN pursues a cooperative engagement in CT for purposes of sustainable capacity-building in the future.

This research explores the theoretical framework explaining the required fundamentals for sustainable inter-regional cooperation on the security sector, and analyses individually the regional governance of CT in the EU and ASEAN. In addition, this research dwells on the details of the Plans of Actions concluded by ASEAN and the EU on matters pertaining to CT and resulting cooperative mechanisms between the two regions. This research might as well provide conclusion on the entire EU-ASEAN CT cooperation as an EU-initiated, non-hierarchical, asymmetric yet mutually beneficial cooperative mechanism.

## **THEORETICAL FRAMEWORK**

The growing literature on interregional relations suggest that the functions performed by existing interregional relations have the potential of establishing a critical component for an emerging, both horizontally and vertically differentiated, and multi-layered global "governance architecture" (Rüland, 2014). However, the optimism towards this direction is guarded by the decreasing expectations that interregional relationship could drive the growth of collective identity-building given that regions are in their cultural or identitarian blocs, leading to cultural barriers in interregional cooperation (Santini, Lucarelli & Pinfari, 2014). In this regard, interregional cooperation is realistically evaluated not in terms of ideational convergence but rather in terms of values in the management of common concerns, including forced migration, transnational organized crime, and mitigation of climate change consequences.

How does inter-regional cooperation possible to take place? First, two regions may consolidate some level of security cooperation when each of these regions is consolidated under a regional organization or governance. Without some level of regional governance, values and interests for each region will be difficult to recognize for an extra-regional actor. A presence of regional governance also determines the level of impact that can be expected; there is a need for the regions in question to acquire security governance of their own in order for them to engage productively in interregional security cooperation. What logically follows from the presence of regional governance is that there must be some degree of institutionalization of governance over the issue of security under cooperation. To be sure, it is not the suggestion here that two engaging regions must have their norms and institutionalization level symmetrical; rather, issues under cooperation must be part of security agenda in both regions and that the need for a stronger regional response is present in both regions. (Emmers, Greener & Thomas, 2006).

Secondly, for two regions to engage productively, a similar actorness characteristics must be agreed upon by the two regions; whether the interregional engagement is geared towards balancing, institution-building, agenda-setting (of new themes or agendas of cooperation) and/or collective-identity building (Thayer, 2007). The consensus for either one of the choices helps identify opportunities and challenges that interregional engagements create for different actors in different sectors of cooperation.

Finally, some symmetry in the threat perception towards the same issue would help establish more robust security cooperation between two or more regional governances. Securitization of the issue under cooperation should have already taken place, although the impact may differ between regions. As the cooperating regions already categorize the issue as security, i.e. pertinent to the survival of the region, there is a construction of common perception and treatment of the issue as security threat. The regional governances thus recognize the need to produce a certain policy-measure based on a collectively-endorsed urgency to treat a particular issue with an extraordinary measure(s) (Stritzel, 2007). This means that different regions securitizing the issue may well come up with different measures and policy preferences. What matters is for both regions to formulate cooperative mechanisms to ensure sustainable dialogue and cooperation on the issue.

The next theoretical question would be: How should one assess the accomplishment of interregional cooperation? The deepening of interregional engagements is indicated by cross-regional norm-convergence, generating 'division of labor' among participants in global security governance (Acharya, 2003). Processes of norm-convergence and division of labor in interregional cooperation supplement identity-building process as member regions identify themselves with common framework in responding to issues (Soriano, 2019). Norm convergence process is the product of the work of stakeholders of security governance on multiple levels (national, sub-regional, regional, trans-regional and interregional) in improving coordination to cope with or overcome issues of global security agenda (Kirchner and Dominguez, 2014). In explaining to what extent interregionalism establishes security governance that in turn reframes security cooperation requires one to analyze how actors at national, regional, cross-regional and global levels shape the processes that supplement identity-building process of regionalism through the creation of norm convergence across regions. The latter's activities include building consensus on the nature and sources of security problems, formulating plans of actions and policies to ameliorate security problems, engaging in actual management of these problems, and evaluation of the performance of security practitioners (Afoaku, 2012; Ehrhart, Hegemann and Kahl, 2014; He, 2019).

## RESEARCH METHOD

The research is a qualitative exploratory study that examines the characteristics of ASEAN and EU counter-terrorism cooperation from the gathered secondary data. This secondary data includes the Plan of Action documents between the European Union and ASEAN produced from 2007 to 2018 as references to find out the scope of cooperation and

various documents from open sources to explain the five areas of cooperation, namely intelligence, law enforcement, justice, borders and transport, and financing of terrorism. Websites of ASEAN.org and eucyberdirect.eu are particularly utilized to gather documents on ASEAN-EU Plan of Action.

The analysis involves a scrutiny of keywords that are relevant to CT, including “security and political cooperation”, “non-traditional security”, “transnational crime” and “enforcement mechanisms”. The Plan of Action documents are descriptive and prescriptive in nature, containing commonly agreed framework in EU’s relations with third parties and list of policies that both the EU and ASEAN are cooperating. The Plan of Action documents are then compared with the regional counter-terrorism governance of the EU and ASEAN to measure the congruency of counter-terrorism cooperation schemes from the respective regions. The analysis of Plan of Action documents is complemented with other public available sources, including data and reports published by ASEANAPOL, Europol, and UN’s Security Council Counterterrorism Committee.

The theoretical framework in this research is a result of a distillation of main insights of the literature on EU’s engagements in Southeast Asia, EU’s, and ASEAN’s regional counter-terrorism governance. They also provide additional data on the scope and depth of operational aspects of counter-terrorism cooperation. These texts also provide the categorization of counter-terrorism cooperation, including police cooperation, judicial cooperation, intelligence cooperation, migration and border management, and cooperation in combating terrorist financing.

## **ANALYSIS**

### **Institutionalization of CT governance in ASEAN and the EU**

The similarity between Europe and Southeast Asia’s threat perceptions has driven both regions to establish inter-regional cooperation. Nevertheless, the regional securitizations in both regions have resulted in different outcomes. Europe’s perception of terrorism, which is mainly formed by the wake of 9/11, has compromised the region’s inclusivity towards people of different backgrounds, including migrants who reside in Europe. On the other hand, for Southeast Asia, the issue of terrorism threatens the credibility of the region as a stable and safe environment for investments, trades and global transportation routes for goods and services. For the EU, any form of regional governance must take shape as a governing entity that makes decisions on behalf of all member states. Meanwhile, ASEAN seeks to build a normative architecture that gradually brings member-states’ to have an internationally recognizable form of CT policy.

### **Regional CT Governance in ASEAN**

ASEAN’s intra-regional cooperation in CT is a largely post-9/11 phenomenon, and it has so far comprised of mutual understanding and capacity-building efforts. The first formal

emergence of terrorism issue in ASEAN is represented by the 1997 Declaration on Transnational Crime, which treated terrorism as transnational crime instead of extraordinary crime or defence issue and publicized member-states general commitment to cooperate in responding to transnational crime rather than terrorism specifically. This declaration was then followed by two additions in 1998, which are the ASEAN Plan of Action to Combat Transnational Crime and the Manila Declaration on the Prevention and Control of Transnational Crime (Gunaratna, 2017). Taken together, these documents do not represent any kind of regional decisions, rules, or particular initiatives. They are rather limited to a “collective acknowledgement of terrorism as a transnational phenomenon.” (Borelli, 2017). This conception of terrorism changed after the first Bali Bombings on October 2002; the latter is another watershed event specific to the region as the tragic terrorist attack turned ASEAN’s titular leader Indonesia from a critical voice against American-led global war on terrorism to an integral part of world’s CT agenda.

After the 9/11, ASEAN member-states re-framed the definition of terrorism acts, particularly ones that came from an Islamic background—in which many transnational crimes were reclassified into terrorism (Singh, 2009). To create right-based CT that still adheres to states’ security policy, ASEAN countries need legitimacy and capacity building to provide objective feedbacks on their practices. Currently, the priority for ASEAN member-states is to retain their independence and non-interference norms in formulating their CT policies (Sukma, 2012). Compared to the EU, ASEAN’s institutional building on CT is more complacent; specifically, it is not engineered to perform an enforcement mechanism of agreements and initiatives. ASEAN aims, at least initially, to produce a common framework of action in the conduct of CT cooperation (Tan & Nasu, 2016). This common framework is embodied in the ASEAN Convention on Counter-Terrorism (ACCT), which was produced in 2007 but came into force in 2011 after six member states ratified it. The ACCT was finally ratified by all members in 2013. The length with which the ACCT undertook to achieve full ratification testifies to the gradual character of enforcement mechanism and the tradition of ASEAN to implement regional initiatives at a pace comfortable to all member-states (Emmers, 2009). By implication, harmonization of national CT agendas is nearly absent on the regional level as national governments’ CT policies follow their priorities in terms of national stability and combating dissidents (Gunaratna, 2017).

The road to the 2007 ACCT was paved with several regional conventions aimed at gradually shaping the normative architecture of regional response to terrorism. The first one was the ASEAN Declaration on Joint Action to Counter Terrorism (ADJACT) in 2001. ADJACT signifies the region’s response to terrorism as an abhorred method of pursuing political objectives, thus responding to the perception of Southeast Asian Muslims that global war on terrorism was a camouflaged war on Islam. It also took ownership of terrorism as an issue that had significant ramifications for the region, despite the fact that global war on terror was an American-led agenda. In addition, the declaration put United Nations multilateral framework and extra-regional cooperation as primary references in the conduct of international CT.

Following the 2002 Bali bombings, ASEAN pursued a number of joint declarations with external dialogue partners, including the U.S., the EU, Australia, India, Russia, Japan, the Republic of Korea, New Zealand, Pakistan and Canada. With the People's Republic of China, CT becomes a part of larger cooperation on Non-Traditional Security which is embodied and renewed periodically in Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues (Wibisono, 2017). In addition, intra-mural cooperation between member-states with sponsorship from extra-regional actors – particularly the U.S. and Australia – also characterized CT cooperation in the region. Another ASEAN-led initiative on CT that paved the groundwork to the adoption of ACCT in 2007 was the Treaty on Mutual Legal Assistance in Criminal Matters (MLAT), adopted on 29 November 2004. MLAT was aimed at institutionalizing regional efforts at legal assistance and criminal investigation and prosecution.

The 2007 ACCT, as stipulated under article IX(1), mandates the member states – when they see it appropriate – to conduct national legislation to ensure that offences covered in the Convention's article II are no longer justifiable, either politically, philosophically, ideologically, racially, ethnically, religiously, or other means of interpretations, “especially when it is intended to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act” (ASEAN, 2007). This provision excludes the consideration of motivation, but at the same time includes the consideration of the intent of an act (to intimidate a population, etc.), thereby preventing the politicization of investigation and trials, which would hamper an effort to uncover the whole terrorist network. ACCT is a legally-binding instrument that facilitates CT cooperation of member-states in terms of information-sharing and capacity-building, as well as a wider scope of prosecution, prevention and suppression of terrorism. Further regulations of CT are embodied in the 2009 Comprehensive Plan of Action on Counter-Terrorism, meant to provide substance to the 2007 ACCT. The action plan outlines an adherence to relevant UN security council resolutions, a mechanism for intelligence exchange, tracking and interdiction of suspected terrorists, and addressing the root causes of terrorism.

Capacity-building is another achievement that ASEAN-centred extra-regional cooperation managed to accomplish in regard to CT. A number of joint-training and tabletop exercises are conducted not just for CT capacity building but also humanitarian assistance and disaster relief efforts between militaries (Zimmerman, 2014). The ASEAN Regional Forum (ARF) has notably established Inter-sessional Support Group for the issues of maritime security (disaster relief), humanitarian assistance, transnational crime, and terrorism. Meanwhile, the ASEAN Defence Ministerial Meeting (ADMM) Plus has organized table-top exercise and CT exercise in 2012 and 2013 respectively.

As a result of the promulgation of the 2007 ACCT and its plan of action, the national responses of member-states to terrorism are complemented with provisions that strengthen their capacity to respond to transnational characters of terrorism. ACCT provisions are important in alleviating the limits of national frameworks of CT, which are based on national experiences in dealing insurgencies and national subversive movements in respective member states.



### **Regional CT in the EU**

The EU's CT cooperation with external parties signified by EU's aspiration to disseminate their internal security governance. The EU also realized that its internal security is indivisible from the external security dimension since the nature of terrorism has been increasingly transnational in the last decades, particularly due to how non-state actors are involved in planning a domestic attack. EU's concern on this matter appear in "A Strategy for External Dimension of JHA: Global Freedom, Security and Justice," a document published in 2005. The document also mentions the 2002 Bali Bomb Tragedy as a reference to boost the cooperation between the EU and Southeast Asia (Cross, 2017).

CT Regionalism in EU was driven by The Madrid Terrorist Attack in 2004, in which the accident resulted in the formation of EU CT Council. The CTC is under the direct supervision of the EU High Representative for Foreign and Security Policy rather than the Justice of Home-Affairs, the institution that formulated the EU's CT criminal justice-oriented approach. Such placement specifies that CTC is designed as the key to conduct EU's extra-regional security cooperation.

Intra-mural role of the CTC is in cajoling member states to make sure a timely implementation of EU-level CT agreements. However, it can be said that member-states' authorities and independence in pursuing their own national agendas in CT are maintained. This is the case because the CTC cannot force member-states into taking particular actions, it has no independent budget, no authority to propose legislation or to chair meetings with Justice, Interior or Foreign ministers to set up EU's CT agenda (Kaunert, 2009). Not to mention the CT sector is already crowded with existing EU and non-EU structures and agencies.

The relation between CTC and EU member states is not determinative, instead, it is consultative in nature. The main purpose of CTC is to conduct assessment on member states' compliance to the EU's Counter Terrorism Action Plan. Even though there is no hierarchy between CTC and EU member states, collaborations between parties still take place (Ragazzi & Walmsley, 2018). As stipulated by Mackenzie et al. (2013), CTC's tasks comprise of coordination of CT work (including multiple working groups and working parties) with Justice and Home Affairs, an overview of relevant EU instruments for CT, effective executions of Council decisions, oversight of the implementation of EU CT strategy and its report to the council, sustaining communication between the EU and third countries, and active role maintenance of CT as a whole (Mackenzie et al., 2013). The last two tasks mentioned comprise of roles that the CTC plays in regard to EU's CT cooperation with third countries.

In regards of the second function, CTC has been actively promoting political dialogue on the issue of CT in international level and endorsing numerous initiatives, both practically and technically. Even though CTC does not have the capacity to ratified agreement or initiate project with third countries, the CTC ensures the EU's active role in combating terrorism through a broad range of activities.

For example, in terms of practical actions, in 2011 the EU CTS conduct a discussion on CT with Russia and India on CT. On the same year, it is also involved in other multilateral

forums such as Asia-Europe Meetings (ASEM) and UN Conference in Riyadh. This fact signifies that the EU CTC has increasingly become a major actor in publicizing EU CT practices in international stages. Therefore, although the extent EU's CT cooperation with some of these third countries is still limited, it appears that the third countries' authority have acknowledged the significance of the EU CTC and are willing to interact with CTC on a regular basis. The recognition by third countries become one of the reasons on why CTC is an important part of the EU external CT.

The EU has been attempting to externalize its CT policy in order to reduce the risk of foreign-perpetrated domestic terrorism. The assumption behind this strategy is to prevent the danger of terrorism to reach the EU citizens by strengthening the competency of third countries in dealing with terrorism (Argomaniz, Bures & Kaunert, 2015). Based on this objective, the EU's extra-regional CT is driven by its needs to build external governance, specifically by transferring EU's standard and capacity in CT to third countries and international institutions (Brattberg & Rhinard, 2012). Simply put, the EU achieved security through governance transfer rather than the use of deterrence and alliance. EU's externalization—or transfer of standards and capacity—however, cannot be conducted in a hierarchical manner. This is also applied to CT arrangements that are implemented under Justice and Home Affairs (JHA); in which JHA only plays a coordinating role since the issue's locus is located within the jurisdiction of member countries.

In the wake of ISIS in 2011, the EU's response to terrorism was to strengthen its regional boundaries and establish itself as a manager of cooperation in CT with the extra-regional entities (Cross, 2017). The EU was striving to address conflicts that resulted from the increasing level of radicalization and the rise of far-right political movements. However, the threat posed by ISIS is unlike that posed by Al-Qaeda in the wake of 9/11 due to the co-existing challenge of nationalist backlash and a wave of migration from Syria and Iraq. This occurs because blaming the migrants for terrorism is contradictive with EU's values of openness and inclusion, and the EU needs to divert the solution and public attention towards responding to terrorism as part of externally oriented and foreign policy matter, away from internal causes of the terrorism threat.

In addition to securing its own populace, the EU's CT cooperation can also be perceived as part of the region's maintenance of presence in Southeast Asia through Non-Traditional Security cooperation. Europe and Southeast Asia shared a similar conception of non-traditional security (NTS) in which terrorism is part of its issues (Martel, 2016). For example, ASEAN-EU Plan of Action 2018-2022 stipulated the plans for cooperation between ASEAN and European Union to combat terrorism under the heading of "combating terrorism, transnational crimes, and addressing other non-traditional security (NTS) issues." Non-traditional security issues comprise of security issues that are usually posed by non-state actors and requires responses that are beyond mere use of force; non-traditional security is associated with the provision of security through use of force, justice reform, development of human resources and infrastructure (Wibisono, 2017). There are two reasons why terrorism is categorized as part of NTS agenda in Europe-Southeast Asia CT cooperation. First, for both Europe and Southeast Asia NTS represents the security concept that perceives insecurities and risks as stemming

from social, economic and justice matters; such security conceptualization fits within Southeast Asia's preference for national and regional resilience and Europe's preference for security cooperation instead of alliance-building. Secondly, Europe and Southeast Asia both required "a low-key rhetorical framing of force projection which also taps into sensitive security areas" which the NTS concept provided (Maier-Knapp, 2015).

By placing terrorism under the rubric of NTS, ASEAN and the EU conducted CT not just for the purpose of tackling the issue but also to expand their interaction along with political and security parameters (Dosch & Maier-Knapp, 2017). The employment of NTS by the EU and its member states is meant to facilitate closer engagement with ASEAN as there is an enduring reliance of Southeast Asian states on the European market. On the other hand, some authors have highlighted the need for the EU to maintain close attention to geopolitical tensions in the Asia Pacific; therefore, the EU seeks to utilize existing defense and economic diplomacy processes where ASEAN sits at their centers. Enhanced regulatory community-building processes allow Southeast Asian countries in attracting external partners on political matters of the region such as the ASEAN Regional Forum (ARF), the ASEAN Defense Ministerial Meeting Plus (ADMM+) and the Asia Europe Meeting (ASEM) (Maier-Knapp, 2015). Because of the need to centralize diplomacy with the presence of the use of force as capacity-building, confidence-building and deterrence, ASEAN and EU's CT cooperation utilized the multilateral fora that have so far facilitated ASEAN and extra-regional powers to discuss pertinent security issues.

### **Functionalist Analysis of EU-ASEAN CT Cooperation**

Before the initiation of CT cooperation or any form of security dialogue, the EU and ASEAN has long maintained a dialogue forum since its first formalization in 1977. Recognition for a shared commitment has been presented to achieve regional integration as means to improve regional stability and prosperity, as well as responding to global challenges. However, the long-term visions and the commitment to achieve common goals and objectives are not formally inscribed until 2007 with the Nuremberg Declaration on Enhanced Partnership, and formal diplomatic relations need to wait until after the adoption of ASEAN Charter in 2008. The EU finally began to deploy a Diplomatic Mission to members of ASEAN in 2015. The EU-ASEAN relationship has been at the centre of interregionalism studies; studies of interregional cooperation have suggested that EU's effort at increasing their presence in international scenes is pursued by engaging with Southeast Asia both politically and economically while balancing when possible to burgeoning influence of the United States and China in the region. The EU also attempted to build the mirror-image of its governance principles in the region. On the other hand, ASEAN also has grown into an increasingly relevant organization although its "actorness" often comes into question. Nevertheless, it is believed that ASEAN adheres to norms of respect to sovereignty of member states and non-interference, which do not always align with the way regional governance is conducted in the EU.

The observation on CT governance in the EU and ASEAN on the previous section notes that both regional governances lack a capability to exert determinative role over their respective members' CT policies. The issue of terrorism is governed tightly by national governments, but both the EU and ASEAN are tasked with maintaining an international profile by their member states. For the EU, this international profile is part of securing its own region through strengthening the capacity of third countries; while for ASEAN, an international stage is important to signify their principles of multilateralism in CT cooperation as well as capacity building purposes.

During the first half of the 2000s, ASEAN-EU interregional forums extended their attempts since 1997 to respond security challenges emerging from globalization concerning human security, transnational organized crime, and terrorism. The volume of interregional forums on security governance somewhat decreased during this period due to Southeast Asia's recuperation from the 1997 financial crisis, but only to increase to a higher level compared to 1997 during the second half of the 2000s. In particular, the first half of 2000s saw the inauguration of formal CT cooperation agreements between ASEAN and the EU, which started with the Joint Declaration to Combat Terrorism in 2003. It embodied the intention for a sharing of experiences and good practices between intelligence and law-enforcement agencies of the regions. The declaration also affirmed ASEAN and the EU's long-time commitment to abide by the rulings of the United Nations by referring to terrorism definition stipulated in UN Security Council Resolution 1373 and acknowledging the centrality of the UN Charter, the norms of international law and respect for human rights and humanitarian law (European Union, 2003).

The substance of the joint declaration is further elaborated in the EU's ASEAN strategy paper which presented six priority strategies for EU's engagement with ASEAN, including support for stability and CT policies in Southeast Asia, poverty reduction, EU-ASEAN economic relations and respect for human rights, democracy and good governance, and mainstreaming the role of the EU's Justice and Home Affairs (Mattheis & Wunderlich, 2017). The way in which CT cooperation is accompanied by other aspects of human security and good governance affirms the principle of comprehensive security that both regions adhere to security should be approached from a pluralist point of view incorporating political, social, economic and human dimensions (Kim, 1999).

During the second half of 2000s, the agenda of CT cooperation continues to exist among the expanding issues of comprehensive security as the latter broadens to include new categories such as communicable diseases and pandemics, sea piracy and cyber security. The concept of non-traditional security also began to enter EU-ASEAN security dialogue's lexicon. Non-Traditional Security also appeared in other security governance involving ASEAN, including ASEAN Political and Security Community, ASEAN Regional Forum, ASEAN Plus Three (with South Korea, Japan and China) and East Asia Summit. It can be suggested here that the inclusion of Non-Traditional Security concept in EU-ASEAN security dialogue forums is due to the congruence of adherence to comprehensive security between epistemic community and governments in ASEAN and the EU, because other interregional dialogues involving ASEAN states and the EU do not incorporate Non-Traditional Security.

The implication of Non-Traditional Security inclusion to CT cooperation appears in the Plan of Action (PoA) for the “Enhancement of ASEAN-EU Relations and Cooperation between 2007-2012” where CT cooperation—with emphasis on addressing terrorist financing—is stipulated as part of political and security cooperation, together with cooperation on addressing the trafficking in persons, drugs, small arms and light weapons, and money laundering. Similarly, the 2013-2017 PoA also placed CT cooperation together with human rights crisis mitigation, civilian crisis management, and illegal drug trafficking suppression.

While none of the joint activities agreed upon in the 2007-2012 and 2013-2017 PoAs shows specific policy measures, both plans of actions show a strong drive to establish cross-regional frame of security governance. This latter aspect also comes into prominence as ASEAN Charter which established ASEAN Community entered into effect in 2008 and ASEAN-China Free Trade Area formation also began taking place (Koh, Manalo & Woon, 2009). Maintaining itself as a formidable partner in a newly established ASEAN Community within the limits of UN-approved frameworks, the EU made sure that wordings of the PoA supported Southeast Asia’s regionalism as well as normative resonance with the EU. This partly explains the comprehensiveness of the 2007-2012 PoA which details the EU’s strategic priorities in political and security, socio-cultural, economic, energy security and climate change and development cooperation. CT cooperation falls under the sub-heading of “traditional and non-traditional issues” within political and security cooperation (ASEAN, 2013). At the same time, EU-ASEAN interregionalism is further institutionalized in the “Nuremberg Declaration on an EU-ASEAN Enhanced Partnership” in March 2007.

EU-ASEAN CT cooperation also contributed to Southeast Asian states’ ownership of their terrorism problems through the utilization of centres based in member-states’ capital city to conduct the mandate of cooperation. This is shown by the 2013-2017 ASEAN-EU PoA which designates International Law Enforcement Academy (ILEA) in Bangkok, the South East Asia Regional Centre for Counter-Terrorism (SEARCCT) in Kuala Lumpur, and Jakarta Centre for Law Enforcement Cooperation (JCLEC) as units that receive the EU’s CT support in judicial capacity building and anti-money laundering operation. Highly relevant with the need to conduct effective CT, the 2013-2017 PoA also initiated Comprehensive Border Management Program where the EU supports ASEAN member states’ border management. Regular policy dialogue on CT is stipulated to be conducted through ASEAN-EU Senior Officials Meeting (SOM) and ASEAN-EU Joint Cooperation Committee (JCC), while ASEAN Secretariat assists in reviewing the progress of implementation of the results of this dialogue.

ASEAN Regional Forum also serves as a hub for formulation of workplan that implements the 2013-2017 PoA in 2014, it issued the ARF Work Plan on Counter-terrorism and Transnational Crime (ASEAN Regional Forum, 2017) focusing on priority areas of cyber security, illicit drugs suppression, mitigation of the use of chemical, biological, radiological and nuclear (CBRN) by subversive actors, counter-radicalization or alternative narratives against extremist ideologies; anti-terrorism financing; and involuntary trafficking of persons. ARF also supported wider non-traditional security exercises that serve both capacity building as well as trust building among participating states, including Multilateral Tabletop or Field Exercises, Voluntary Training Courses, Capacity-Building Workshops, and ARF Pilot Projects

(Zimmerman, 2014). ARF workplan takes the ASEAN-CT cooperation closer to the Counter Violent-Extremism (CVE) aspect of CT as it aims to empower participants in sabotaging terrorists' attempts at exploiting connectivity network and freedom of information to propagate their views (ASEAN Regional Forum, 2017).

A specific section dedicated for combatting terrorism finally appeared in the most recent Plan of Action of EU-ASEAN interregional cooperation for the period of 2018-2022. The 2018-2022 PoA explicitly mentioned the concept of violent extremism as it drives EU-ASEAN CT cooperation to implement the ACCT and ASEAN Comprehensive Plan of Action on Counter-Terrorism in countering terrorism and preventing violent extremism, encourages sharing of best practices between EUROPOL and ASEANAPOL in addressing CVE works. One particular issue of concern is responding to the phenomenon of foreign (terrorist) fighters joining Islamic State in Syria and Iraq (ISIS) or Daesh, particularly their return to their homelands. Both epistemic community and governments in the EU has recognized the complexity of responding to an entanglement between migration and terrorism in the midst of a strong nationalist wave that leans towards anti-immigrant voices. On the other hand, they also have learnt that Southeast Asian states still lack the capacity to conduct deradicalization and social reintegration of foreign fighters (Bos, van Ginkel and Mehra, 2018).

Our reading of the 2007-2013 and 2013-2017 PoA's suggest that the EU's approach in conducting CT engagement with ASEAN focuses on establishing solid diplomatic relations, instead of actively solving terrorism problems in Southeast Asia—such as radicalizations in Southeast Asia communities, existence of extremist groups and terrorist organizations, as well as terrorism financing. To tackle those issues, the EU would need to conduct a more interventionist approach that might reduce the efficacy of trust-building process with the Southeast Asian nations who seriously take the “non-interference” principle. Additionally, terms used in the two PoAs are “non-binding,” which enables sincere political dialogue to occur rather than resolution of a certain issue on terrorism. It also appears that up until today, there is yet a permanently institutionalized platform that allows the EU and ASEAN to discuss the issue of CT.

While the CT policy discussion between the EU and ASEAN have not yet strongly institutionalized, the three PoAs from their cooperation has provided a mechanism for cooperation in certain areas, such as law enforcement and border management. In law enforcement, for example, this research has analysed several EU-ASEAN documents that address the collaboration between the police and law enforcement agencies, including Europol, Aseanpol, and other provision of support for ASEAN law enforcement agencies. Europol usually takes the role of leadership in the cooperation between the EU and third countries, even though the organization does not have a broad legitimation in handling CT in the EU. The Europol, nevertheless, remains having the authority to find cooperation with third countries or international institution that deemed to be strategic partners in CT or organized crime.

In terms of law enforcement sector, however, the EU-ASEAN cooperation lacks in regulating network that established by binding legal agreements. As a result, any exchange of information—both personal, non-personal, and technical—are conducted without any strategic

or operational agreement. Meanwhile, the three existing PoAs state to encourage the development of relations between ASEAN and EU law enforcement agencies in terms of sharing experiences and best practices in combating terrorism and other transnational crimes. The documents also urge both regions' law enforcers to support further cooperation between CT institutions in the EU and ASEAN.

Indonesia is one of the countries in ASEAN that conducted cooperation with the EU in the provision of police capacity building in CT. The EU assists Indonesia to establish JCLEC, which provides the Indonesian police trainings and educations about organized crimes, including money laundering and terrorism. The EU provides Indonesia with funding to formulate the courses and syllabus, hire teachers and trainers, as well as conduct various networking activities between the EU, Indonesia, and Brunei Darussalam law enforcement agencies. While the cooperation between the EU and Indonesia grows, the EU, however, does not consider conducting a similar bilateral cooperation with Thailand, since the local security institution of Thailand allegedly committed human rights violation.

Conversely, the EU member states also engage in a cooperation with Southeast Asia in the issue of CT. The EU member states also provide experts for CT trainings, seminars, and workshop for the SEARCCT. France, for example, ran a workshop on the relations between cybercrime and terrorism, money laundering, and counteracting terrorism funding; Italy conducted a seminar on falsifying documents and illegal immigration, while the UK held aviation security seminars.

In terms of the justice sector, the EU and ASEAN cooperation centred on the issue of judicial assistance for extradition request. Previously, Eurojust has ratified agreements that allow liaison magistrates from outside EU countries to be delivered to their headquarter in The Hague and the other way around. However, the Eurojust did not conduct any agreement with ASEAN or its member countries. This is due to major differences between the EU's standards to conduct cooperation and Southeast Asian countries' justice systems. It is almost impossible to make a direct cooperation with any Southeast Asian countries due to several reasons: 1) The EU has a very strict data protection regulations while Southeast Asian countries have almost none, 2) Some Southeast Asian countries, have not fulfilled the prerequisite to establish a judicial collaboration with the European Union. For example, Malaysia have not signed the International Convention against Torture, 3) Some legislations in Southeast Asian countries contradicts the right-based approach of CT that is practiced by the EU. This can be seen on how up until 2011, Singapore and Malaysia issued CT legislations that allow indefinite detention of CT suspects, and 4) Almost all countries in Southeast Asia—except for Cambodia and the Philippines—still implement death penalty for heavy crimes such as terrorism, drug trafficking, and treason. Indonesia in particular explicitly uses death penalty as a deterrence towards potential collaborators of terrorist networks. Therefore, the cooperation of Eurojust in Southeast Asia is still limited and has only been established contact points with Singapore and Thailand.

While exchange of intelligence is highly encouraged between the EU-ASEAN CT cooperation, the three POAs do not mention any intelligence cooperation in it. Additionally,

there is no mention of intelligence cooperation with ASEAN nor its member states in the EU Country Strategy. The only cooperation between European and Southeast Asian institutions that includes the point of intelligence was that between the EU and Indonesia in 2009. The cooperation stated that the exchange of information on terrorist groups and its affiliates network in the framework of international and national law. However, the cooperation does not show any indication of inter-agency cooperation.

Cooperation that is explicitly mentioned in the three POAs is on border and transportation. The border and transportation cooperation between the EU and ASEAN revolve around information sharing and technology that is relevant to border management and document security. The cooperation is implemented through Comprehensive Border Management Program up to 2017, in which the EU provides capacity building for ASEAN member states to develop an effective border management system. In addition to that, the EU also sponsored a pilot project by Interpol in Vietnam and Cambodia. Throughout 2009 to 2012, project procured modern equipment in 16 border points for a more effective border management between the two countries. The equipment allows both Vietnam and Cambodia authority to access the Interpol database which contains the latest information, therefore facilitating a stronger international cooperation. Up until today, this type of pilot project between the EU and ASEAN countries is still the only one.

Alike to the border cooperation management that is implemented by Interpol, the EU-ASEAN cooperation on handling terrorism financing also took place under the Financial Action Task Force (FATF). Since its inception in 1989, its main mandate is to tackle money laundering. However, the 9/11 played a significant role in the establishment international standards that allows a more affective protocol to handle money laundering. Moreover, the FTAF also plays the role in monitoring the compliance of countries—which previously failed to comply to FTAF international regulations on money laundering—to their standard through annual reports. Countries that are considered as non-cooperative in global effort to fight money laundering and terrorist financing are called Non-Cooperative Countries and Territories (NCCTs). The NCCTs are categorized into two groups: The first one is High-Risk Non-Cooperative States, or countries that refuse to comply with FTAF standards. The second one are countries that are cooperative with FATF but still need some improvement in its national regulations, particularly in the area of Anti-Money Laundering and Counter-Terrorism Financing (CTF). Some of ASEAN member countries fall into the second category, such as Indonesia, Thailand, Myanmar, and Vietnam, whereas the Philippines, Brunei, and Cambodia have been gradually improving the implementation of international regulations even though they are yet to comply to AML and CTF regulations in Southeast Asia. Up to this point, however, there are only two countries that conducted collaborative projects with the EU to overcome the problem of financing terrorism activities.

Additionally, anti-terrorism clauses are introduced by the EU in all Partnership and Cooperation Agreements (PCAs). The PCAs has since signed by ASEAN Countries (Indonesia in 2009, Philippines and Vietnam in 2010). The anti-terrorism clauses in the PCAs are directly refer to vital aspects of the EU's policy preferences; for example, close cooperation with Interpol, joint trainings and sharing best practices with third countries. The EU, furthermore,



add a human rights clause, which became a reference to uphold the human rights values in the fight against terrorism.

Consequently, the EU-ASEAN cooperation on CT do not target a specific terrorist individual and, or, organizations, but rather focus on the security and justice sector policies in Southeast Asian states. Through horizontal networks, capitalized by the EU, the cooperation allows EU to conduct policy transfers which based on its skills and experiences. The cooperation seems likely to gradually strengthen, as the signing of PCAs with major ASEAN players has strengthened the reciprocal influence of EU to ASEAN.

## CONCLUSION

The EU and ASEAN CT cooperation has not been pursued to target designated terrorist individuals or cells. It has rather been initiated by the EU to export their knowledge, experience and standards of terrorist prosecution and prevention to Southeast Asia. The EU chose to abide by ASEAN's approach of regional CT policy as a complement to national policies, which results in a non-hierarchical nature of the transfer of experience and standards of CT policies.

In the process, both the EU and ASEAN have obtained benefits from their CT cooperation. First, the EU achieves its objectives of transferring – and thereby facilitating capacity-building – of third countries (extra-regional states) CT, which secures its own regional security. This objective has so far been partially fulfilled due to the asymmetrical nature of security and justice governance in the EU and ASEAN. This is particularly the case on issues that are strongly governed by national governance, such as the implementation of death penalty and the governance of intelligence agencies. In addition, the impact of EU-ASEAN CT cooperation also lacks impact when ASEAN member-states have yet to exert control over the governance of particular issues, such combating terrorism-financing, where effective control of the state over financial transactions has not been able to curb terrorism-financing.

Overall, the EU sustains CT cooperation with ASEAN because of three main reasons. First, there has been a build-up of common security conception between the EU and ASEAN since the late 1990's through interregional response to emerging threats and risks due to the acceleration of globalization. In this regard, notions of comprehensive security and later on Non-Traditional Security frame the two regions' approach towards security issues, including terrorism. Second, the EU finds terrorism as a suitable issue to frame its presence in one of Southeast Asia's strategic security areas; Europe finds that terrorism serves as an issue of common ground for its security cooperation approach – instead of alliance building – and Southeast Asia's pursuit for regional resilience.

The Plans of Actions between ASEAN and the EU are mostly implemented through bilateral cooperation between the EU and members of ASEAN, indicating the differentiation of actorness between ASEAN and member states: ASEAN performs as a forum for cooperation framework formulation and member-states – together with the EU – as resource allocators and executing agencies. In such fashion, ASEAN member-states are capable of choosing the field

of cooperation that best suits their needs and limitation in regard to fighting terrorism. In addition, the EU-ASEAN CT cooperation also incorporates UN Security Council Resolution to shape its future accomplishments. Although stopping short of targeting of terrorism, the EU-ASEAN CT cooperation strengthens the capacity of ASEAN member states' conduct of pursuit and prosecution of terrorist suspects. In addition, EU's prioritization of border and cyberspace management also drives Southeast Asian states to prioritize the avoidance of terrorists' exploitation of digital information network and national borders.

Further research is required to examine the extent to which EU's security governance is diffused, localized, and/or debated in ASEAN and its member states and *vice-versa*. In addition, local non-state actors are also highly active in both regions in conducting peace activism, deradicalization and social re-integration of former terrorists and combatants; it would be interesting to measure the extent to which they shape interregional CT cooperation between EU and ASEAN.

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